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Defendant.

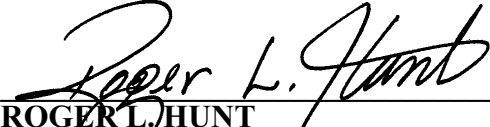
ORDER

The Court has conducted a *de novo* review of the record in this case in accordance with 28 U.S.C. §636(b)(1)(B) and (C) and Local Rule IB 3-2 and determines that the Findings and Recommendations of Magistrate Judge Foley should be accepted and adopted.

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1 IT IS THEREFORE ORDERED that Magistrate Judge Foley's Findings and
2 Recommendations (#37, entered September 29, 2009) are ACCEPTED and ADOPTED, Defen-
3 dant's Motion to Suppress Evidence for Fourth Amendment Violation (#17) and Motion for a
4 *Franks* Evidentiary Hearing (#32) are denied.

5 Dated: November 5, 2009.

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8 **ROGER L. HUNT**
9 Chief U.S. District Judge
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